

Amendment No. 1 to SB1026

**Cooper
Signature of Sponsor**

AMEND Senate Bill No. 1026*

House Bill No. 1072

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting in their entirety all sections of the introduced bill after the
enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-4-102(a) is amended
by deleting subsection (2) in its entirety and by substituting instead the following:

(2) "Board" means the state board of cosmetology and barber
examiners;

SECTION 2. Tennessee Code Annotated, Section 62-4-103 is amended by
deleting the section in its entirety and by substituting the following:

62-4-103. Creation.

(a) The practices of cosmetology and barbering shall be
under the supervision of a board known as the state board of
cosmetology and barber examiners. The board shall consist of
eleven (11) members appointed by the governor.

(1) Six (6) members shall be cosmetologists and
three (3) members shall be master barbers each of whom
has been licensed in this state for at least five (5) years.
There shall be at least two (2) cosmetologists from each
grand division of the state and one (1) master barber from
each grand division of the state. No such member shall,
while serving on the board, be an instructor, owner or
manager of a school of cosmetology, barber school or
college of barbering, an employee in such a school or
college, or in any manner connected with such a school or
college.

(2) One (1) member shall be a person at least twenty-one (21) years of age who is not engaged in the occupation of cosmetology or barbering. No educational degree requirements shall apply for the public member, and such member shall participate in all activities of the board except composition of examinations, administration of practical portions of examinations. and inspection of schools of cosmetology, barber schools or colleges of barbering.

(3) One (1) member shall be an owner of a school licensed by the board or an instructor licensed by the board. Such member shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools of cosmetology, barber schools or colleges of barbering.

(4) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(5) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 3. Tennessee Code Annotated, Section 62-4-104 is amended by deleting the section in its entirety and by substituting instead the following:

62-4-104 Terms of board members Oath - Removal.

(a)

(1) Of the members initially appointed, one (1) master barber and two (2) cosmetologists shall serve a term

of one (1) year, one (1) master barber and two (2) cosmetologists shall serve a term of two (2) years, and one (1) master barber and two (2) cosmetologists shall serve a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be made for the duration of the unexpired term.

(2) The school owner or instructor member of the board shall initially be appointed for a term of three (3) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(b) Before entering upon their duties, members of the board shall take and subscribe to the oath of office provided for state officers.

(c) The governor may remove any member of the board for misconduct, incompetence, willful neglect of duty, or other just cause.

(d) Members shall hold over after the expiration of their term until a successor is appointed and qualified.

SECTION 4. Tennessee Code Annotated, Title 62, Chapter 3 is amended by deleting the language "board of barber examiners" wherever it appears and substituting instead the language "board of cosmetology and barber examiners".

SECTION 5. Tennessee Code Annotated, Sections 62-3-101, 62-3-102, 62-3-104, and 62-3-131 are repealed.

SECTION 6. Tennessee Code Annotated, Section 4-29-228(a) is amended by adding the following as a new item thereto:

() State board of cosmetology and barber examiners, created by § 62-4-103;

SECTION 7. Tennessee Code Annotated, Section 4-3-1304 is amended by deleting subdivisions (4) and (5) in their entirety and by adding the following as a new item thereto:

() Board of cosmetology and barber examiners;

SECTION 8. It is the intent of the general assembly that the rules of the board of cosmetology and the rules of the board of barber examiners shall be deemed to be the rules of the board of cosmetology and barber examiners created by this act.

SECTION 9. It is the intent of the general assembly that the board of cosmetology and barber examiners created by this act shall examine its laws and suggest necessary amendments for the effective administration of its licensing programs.

SECTION 10. For the purpose of making appointments, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2005, the public welfare requiring it.

Notwithstanding the provisions of § 4-29-112 or any other law to the contrary, it is the intent of the general assembly that the board of cosmetology and the board of barber examiners shall terminate and cease all activities on June 30, 2005. It is further the intent of the general assembly that the state board of cosmetology and barber examiners created by this act shall commence operations on July 1, 2005.